

Staff Report of Public Comment Proceeding

Charter Amendments of the GNSO gTLD Registries Stakeholder Group

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Public Comment Proceeding

Open Date: 22 February 2016

Close Date: 4 April 2016

Staff Report Due Date: 25 April 2016

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Section I: General Overview and Next Steps

In November 2015, the gTLD Registries Stakeholder Group (RySG) of the GNSO submitted a set of Charter revisions to the ICANN Staff for processing in compliance with Phase I of the [Process For Amending GNSO Stakeholder Group and Constituency Charters](#).

In sum, the RySG has amended its existing Charter to address a number of items – including those flagged by the ICANN Board in its ICANN54 Dublin Public Meeting resolution approving the last recent set of RySG Charter amendments (see - [Board Resolution 2015.10.22.14](#)). Among them, the most substantial charter amendments proposed by the RySG at this time are in the following areas:

- Creation of a new class of “Association” members;
- Changes to the weighted voting categories and measures of the group; and
- Adjustments to the community fee structure to accommodate the addition of association members.

As part of its Phase II Board Process responsibilities, ICANN staff assessed the amendments and determined that the proposals do not present any direct fiscal or liability concerns to the ICANN organization.

The ICANN Bylaws provide that "each GNSO Stakeholder Group ... and each of its associated Constituencies shall maintain recognition with the ICANN Board." To assist with its own review and analysis of the amendments, the Board's Organizational Effectiveness Committee (OEC) subsequently directed Staff to open a Public Comment Forum to solicit community input concerning the RySG Charter amendments.

The public comment forum was opened on 22 February 2016. The period for public comments closed on 4 April 2016.

Next Steps:

This report will be forwarded to the OEC, which will provide a recommendation to the Board concerning the RySG Charter amendments. This report will also be published for the community's review at the above link (see Important Information Links). The OEC will have an opportunity to

discuss the amendment documents and the report of community input at its next meeting.

Section II: Contributors

At the time this report was prepared, a total of one (1) community submission had been posted to the forum. The contributing party is identified in the table below.

Organizations and Groups:

Name	Submitted by	Initials
Brand Registry Group	Martin Sutton	BRG

Individuals:

Name	Affiliation (if provided)	Initials
None		

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

As noted in Section II above, only one set of community comments was submitted regarding the RySG charter amendments. The BRG comments filed on 4 April 2016 generally addressed two of the three amendment areas proposed by the RySG. This brief summary addresses each topic in turn.

Overall BRG Comments:

The BRG notes that it has been an active participant in the RySG Evolution Working Group “to help the RySG identify suitable changes to their Charter that would support broader engagement from the growing community of registries, but in an orderly, inclusive and scalable form.” The BRG says that it “supports the proposed Charter amendments which will help to manage the RySG’s growing membership and the diversity of views this may bring.”

The BRG says it “encourages the ICANN Board to approve the proposed changes to the Charter and recommends a timely review of the revised voting allocation and process.”

Support for creation of a new class of “Association” members:

The BRG notes that it has been an advocate for the Association Membership model. It anticipates that other types of registries, such as GEO TLDs, will also support and benefit from this approach.”

In its comments the BRG notes the unique place that brand registries hold within the registry community. The group states that while BRG members “favour representation within the ICANN community to safeguard their interests, it is not always possible to maintain active and direct participation within stakeholder groups or constituencies.” For these registry operators, the BRG says,

“the option of an Association Membership model offers a more effective channel without the need to devote significant resources. This model already exists in other constituencies but up until now, was unavailable within the RySG.” The BRG says it “welcomes the introduction of the Association Membership, which will support broader engagement but in an orderly and scaleable form.”

Changes to the weighted voting categories and measures of the group:

The BRG notes, “the introduction of new membership criteria has raised significant challenges for the RySG, particularly in relation to voting rights. According to BRG, with the RySG having relatively few members prior to the new gTLD 2012 round, “decisions were frequently made through consensus or simple majority voting rather than calling upon the weighted voting mechanism.” Now, as new members join the stakeholder group with very different registry models and more diverse views, the BRG says, the “weighted voting mechanism is far more likely to come into play and could disadvantage new entrants, especially where the business objective is not dependent upon significant volumes of second-level domains.”

The BRG says, “the aspects of voting have been debated at length within the RySG Evolution WG and the wider RySG membership.” Based on these discussions, the BRG says it “considers the proposed voting allocations and process to be a reasonable initial approach and supports these changes.”

However, in view of the increasing diversity introduced to the RySG membership, the BRG asserts that “these new processes will need to be tested and reviewed to ensure that member vote allocations and voting processes work effectively in practice and fairly for all RySG members. For this reason, the BRG recommends a review [be] ... undertaken “within a reasonable time frame.”

Section IV: Analysis of Comments

General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.

Only one comment was submitted in this proceeding – by a group (BRG) that has already been an active participant in the stakeholder group’s amendment development process. That one comment was supportive of the amendments. No opposition to the amendments has been recorded.

The BRG suggests that the new voting processes established by the latest RySG amendments should be “tested and reviewed ... within a reasonable time frame” to ensure that member vote allocations and voting processes work effectively. If the Board chooses to approve these amendments (and there is no stated view in opposition), the staff is prepared to collaborate with the RySG to provide the Board with a review of the success of the new processes after reasonable opportunity has existed to observe and measure any of those changes and impacts.